

### **REMARKS**

This responds to the Office Action dated July 1, 2008.

#### **§103 Rejection of the Claims**

Claims 1-11, 16-17, 18-21 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huff et al. (U.S. Patent No. 7,130,699). Claims 12-15, 22 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huff et al. (U.S. Patent No. 7,130,699) in view of Kokones et al. (U.S. Publication No. 2003/0199948A1).

Applicant respectfully traverses the rejection. Applicant submits the cited references fail to establish all of the elements of the claims. For instance, the cited references fail to establish “at least one pin contact disposed within the interior axial opening, the at least one pin contact electrically couplable with a pin contact of the lead” as recited in claims 1 – 15; “a testing cable adapted to communicate with an electrical continuity testing device the testing cable having a distal end including a plurality of clips, the clips linking to the terminal end of the implanted cardiac lead, and the testing cable having a proximal end” and “the adapter having a housing and the terminal end is received in the housing, at least one pin contact disposed within the housing, the at least one pin contact electrically couplable with a pin contact of the lead” as recited in claims 16 and 17; “the adapter having a housing and the terminal end is received in the housing, at least one pin contact disposed within the housing, the at least one pin contact electrically couplable with a pin contact of the lead; and wherein the adapter includes a housing defining an axial opening with a first end through which the terminal end of the implanted cardiac lead is received and a second end with an opening adjacent the second end to permit air to escape from the axial opening when the terminal end is inserted within the axial opening” as recited in claims 18 – 22, 24; “placing the terminal end of the cardiac lead within the axial opening of the adapter so that contacts of the terminal end are electrically linked with the inner contacts” as recited in claim 25.

According to the Office Action, “it would have been obvious since such would provide for more functionality in that more conductive areas could be tested, and that to have the pin enclosed is common in the art. For example the connector on the top of a typical IMD housing

encloses the pin of the lead terminal.”, Page 2, Office Action. Applicant submits the selective modification of Huff by the Office Action does not add functionality as suggested by the Office Action, as Huff would not need to be modified to permit more testing areas of the conductive areas. Furthermore, when considering the invention as a whole, the header example provided in the Office Action teaches away from the claims. For instance, a header would have issues with regard to maintaining a proper seal and furthermore, would not have external contacts as recited in the claim nor would have openings as this also would affect sealing of the header. Still further, Applicant notes in the Office Action dated Sept. 5, 2006, the Office Action indicated claims 6 – 15, 18 – 22, 24, 25 were allowable/allowed over Huff 2004/0230268, which is the publication of Huss US 7,130,699.

Reconsideration and allowance of the claims are respectfully requested.

#### Reservation of Right to Swear Behind References

Applicant reserves the right to swear behind any references which are cited in a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

**CONCLUSION**

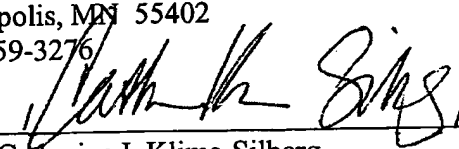
Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 359-3276 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 359-3276

Date Nov. 3, 2008

By   
Catherine I. Klima-Silberg  
Reg. No. 40,052

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3 day of November, 2008.

Nicole Jach  
Name

  
Signature